

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
Galveston Division

TEXAS DEPARTMENT OF CRIMINAL)
JUSTICE,)
)
 Plaintiff,)
)
 v.) Case No. 3:17-cv-00001
)
UNITED STATES FOOD AND DRUG)
ADMINISTRATION, *et al.*,)
)
 Defendants.)
)
)

**DEFENDANTS' CONSENT MOTION TO RESCHEDULE STATUS
CONFERENCE AND TO CONDUCT PROCEEDINGS UNDER SEAL**

Pursuant to Rule 7 of the Court's local rules, defendants, the United States Food and Drug Administration, *et al.*, respectfully request that the Court re-schedule the telephonic status conference that the Court has recently set for May 29, 2018. *See Order, May 21, 2018, ECF No. 56.* Additionally, we respectfully request that the conference be sealed. Counsel for plaintiff, the Texas Department of Criminal Justice (Texas), has indicated that Texas consents to these requests.

This request is necessary because counsel for the government is unavailable on the date that the Court has selected. Specifically, counsel for the government will be travelling out of the country between May 24 and May 31, 2018. Counsel will have extremely limited phone or e-mail access during this time.

Counsel for the government and counsel for Texas are both available for a telephonic status conference on June 1, June 11, and June 13, 2018. We respectfully request that the Court re-schedule the telephonic status conference for one of those dates, or any date thereafter that is

convenient for the Court. Further, we respectfully request that the conference be sealed. As the Court is aware, the federal government has been exploring possible options for resolving this lawsuit that would potentially obviate the need for the Court to issue a decision. Holding a sealed conference would allow the federal government to discuss these efforts, if needed. We apologize for any inconvenience this request may cause.

Respectfully submitted,

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Acting Assistant Attorney General

ETHAN P. DAVIS
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GUSTAV EYLER
Acting Director

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s/ Alexander V. Sverdlov
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May 23, 2018

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 23rd day of May, 2018, a copy of the foregoing “DEFENDANTS’ CONSENT MOTION TO RESCHEDULE STATUS CONFERENCE” was filed electronically. This filing was served electronically to all parties by operation of the Court’s electronic filing system.

s/ Alexander V. Sverdlov

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[PROPOSED] ORDER

Upon consideration of the defendants' consent motion to reschedule the status conference and to conduct proceedings under seal, and upon due deliberation, it is hereby

ORDERED that the motion is granted; it is further

ORDERED that a telephonic status conference in this case is set for

_____, 2018; and it is further

ORDERED that the proceedings shall be conducted under seal.

SO ORDERED

DATED: _____

HON. GEORGE C. HANKS, JR.
United States District Judge